

EXAMINER'S AMENDMENT

Authorization for this examiner's amendment was given in a telephone interview with Douglas McAllister on September 25, 2009.

The application has been amended as follows:

In claim 25, line 1, "claim 23" has been changed to --claim 1--.

In claim 27, line 1, "claim 23" has been changed to --claim 1--.

Claims 29-33 are hereby cancelled.

It is noted that claims 25-26 are hereby REJOINED. Claims 25-26, previously withdrawn from consideration as a result of a restriction requirement have been rejoined and include all the limitations of an allowable claim.

Claims 25-26, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between inventions species I, II, and III, as set forth in the Office action mailed on 12/27/2006, is hereby withdrawn** and claims 25-26 hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant

application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES L. SWIGER whose telephone number is (571)272-5557. The examiner can normally be reached on M-F 9-530.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached on 571-272-4746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/JAMES L. SWIGER/
Examiner, Art Unit 3775

/Thomas C. Barrett/
Supervisory Patent Examiner, Art
Unit 3775